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Counsel for Defendants

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

TIMOTHY RAY SADLER,

Plaintiff,

v.

DR. REES, DR. RAISER<sup>1</sup>, BRIAN  
GOOTKIN, CYNTHIA WOLKEN,  
JIM SALMONSEN, DR. CHAPEL,  
JODI COZBY, REGINALD  
MICHAEL, WESLEY SOMOGY,  
ABBY MARTIN, TODD BOESE,  
CONNIE WINNER, NURSE  
REICHERT, DR. KOHUT,

Defendants.

Case No. CV 21-72-H-SHE

**DEFENDANTS'  
MOTION TO DISMISS**

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<sup>1</sup> Defendants' names have been corrected and/or added. This is a change from Plaintiff's original filing.

Defendants Dr. Paul Rees, Brian Gootkin, Cynthia Wolken, Jim Salmonsens, Dr. Dean Chapel, Jodi Cozby, Reginald Michael, Wesley Somogy, Abby Martin, Todd Boese, Connie Winner, and Dr. Tristan Kohut hereby respectfully move this Court to dismiss Plaintiff Timothy Sadler's Amended Complaint (Doc. 8). The grounds for dismissal include Plaintiff's failure to state a claim upon which relief can be granted regarding two of his theories of liability and regarding many of his named Defendants. These reasons are more fully set forth in the brief accompanying this Motion. Additionally, the State moves this Court to dismiss any claims against medical providers that are outside the three-year statute of limitations.

Plaintiff Timothy Sadler is incarcerated and was not contacted regarding this motion pursuant to Local Rule 7.1(c)1.

Respectfully submitted this 18th day of May 2022.

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COUNSEL FOR DEFENDANTS

By: /s/ Madison Mattioli

MADISON MATTIOLI

Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I hereby certify that on May 18, 2022, a copy of the *Defendants' Motion to Dismiss* was served on the following persons by the following means:

1, 2 CM/ECF  
       Hand Delivery  
       Mail  
       Overnight Delivery Service  
       Fax  
       E-Mail

1. Clerk, U.S. District Court
2. Timothy Ray Sadler  
AO #3001117  
MSP LHUI LD2  
700 Conley Lake Rd  
Deer Lodge, MT 59722

By: /s/ Madison Mattioli  
Madison Mattioli  
Assistant Attorney General  
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Attorney for Defendants